



Office of the Attorney General
State of Texas

August 17, 1992

DAN MORALES
ATTORNEY GENERAL

Ms. Helen M. Gros
Assistant City Attorney
City of Houston
Legal Department
P. O. Box 1562
Houston, Texas 77251-1562

OR92-494

Dear Ms. Gros:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 16793.

You have received a request for information relating to the Wahash Corporation, Goodyear Tire & Rubber Company, and Southwest Houston Tire Sales, Inc. The requestor, who represents one of the plaintiffs in *Southwest Houston Tire Sales, Inc. v. City of Houston*, Cause No. 91-021781, in the 152nd Judicial District Court of Harris County, seeks "any and all documents reflecting, constituting, referring to or relating to Wahash." You advise us that you have made some of the requested information available.¹ You claim, however, that some of the requested information is excepted from required public disclosure by section 3(a)(7) of the Open Records Act.

Section 3(a)(7) excepts from required public disclosure:

matters in which the duty of the Attorney General of Texas or an attorney of a political subdivision, to his client, pursuant to the Rules and Canons of Ethics of the State Bar of Texas are

¹In your original request with regard to this matter, you asserted the litigation exception, section 3(a)(3) of the Open Records Act. You have since discovered that information for which you claimed this exception has been "otherwise disclosed" and subsequently made it available to the requestor. Accordingly, you have withdrawn your section 3(a)(3) claim.

prohibited from disclosure, or which by order of a court are prohibited from disclosure. [Footnote omitted.]

Attorney-client communications may be withheld only to the extent that such communications document confidences of governmental representatives or reveal the attorney's legal opinion and advice. Open Records Decision No. 574 (1990) at 3.

You have submitted to us for review handwritten notes dated September 5, 1989, which reflect the advice and legal counsel provided by an assistant city attorney to a client. We conclude that this document may be withheld from required public disclosure in its entirety under section 3(a)(7) of the Open Records Act.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR92-494.

Yours very truly,



Faith S. Steinberg
Assistant Attorney General
Opinion Committee

FS/GCK/lmm

Ref.: ID# 16793
ID# 16897
ID# 16915

cc: Mr. Ronald C. Lewis
Baker & Botts
One Shell Plaza
910 Louisiana
Houston, Texas 77002-4995